

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF INDIANA**

<b>RASHON RICHARDSON and</b>	)	
<b>LATARASHA FOY-RICHARDSON,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
<b>v.</b>	)	<b>Case No. 2:22-cv-259</b>
	)	
<b>ARCELORMITTAL BURNS HARBOR</b>	)	
<b>LLC; ARCELORMITTAL USA LLC;</b>	)	
<b>CLEVELAND-CLIFFS BURNS HARBOR</b>	)	
<b>LLC; and CLEVELAND-CLIFFS STEEL</b>	)	
<b>LLC,</b>	)	
	)	
<b>Defendants.</b>	)	

**NOTICE OF REMOVAL**

Defendants, Cleveland-Cliffs Burns Harbor LLC, formerly known as ArcelorMittal Burns Harbor LLC and Cleveland-Cliffs Steel LLC, formerly known as ArcelorMittal USA LLC, by and through their attorneys, Swanson, Martin & Bell, LLP, pursuant to 28 U.S.C. §§1332, 1441, and 1446, file this Notice of Removal with respect to the above-captioned action, commenced and pending in the Porter County, Indiana Superior Court, under Cause Number 64D05-2208-CT-006515, to the United States District Court for the Northern District of Indiana for the reasons stated below:

**BACKGROUND**

1. This lawsuit is a civil action within the meaning of 28 U.S.C. §§1441(a) and 1446(b).
2. Pursuant to 28 U.S.C. §1446(a), a copy of the state court file, is attached as **Exhibit A**.

3. Defendants' basis for removal to federal court is diversity of jurisdiction pursuant to 28 U.S.C. §1332 because: (1) there is complete diversity of citizenship between Plaintiffs and Defendants; and (2) the amount in controversy, exclusive of interest and costs, exceeds seventy-five thousand dollars (\$75,000.00).

4. Defendants were served with Plaintiffs' Complaint via certified mail on August 12, 2022.

5. This Notice of Removal is timely filed with this Court within thirty (30) days after Defendants received the first pleading "or other paper" from which the removable nature of this case was first ascertainable by Defendants. 28 U.S.C. §1446(b)(3).

6. As required by 28 U.S.C. §1446(d), Defendants will serve a copy of this Notice of Removal upon Plaintiffs, by and through their attorney of record, and will file this Notice of Removal with the Clerk of Porter County, Indiana Superior Court.

7. By filing a Notice of Removal in this matter, Defendants do not waive their rights to object to jurisdiction over the person, or venue, and the expiration of the applicable statute of limitations, and they specifically reserve the right to assert any other defenses and/or objections to which they may be entitled as a matter of law or equity.

### **VENUE**

8. Venue is proper pursuant to 28 U.S.C. §1441(a), which permits removal of any civil action brought in the State Court of which the district courts of the United States have original jurisdiction. The original jurisdiction of United States District Court for the Northern District of Indiana includes Porter County, Indiana, the place where this suit is currently pending.

### **DIVERSITY OF CITIZENSHIP**

9. Plaintiffs are citizens and residents of the State of South Carolina. (See **Exhibit A**, Complaint at ¶1).

10. Defendant, Cleveland-Cliffs Burns Harbor LLC f/k/a ArcelorMittal Burns Harbor LLC (“Cleveland-Cliffs Burns Harbor”), is a foreign limited liability company. For the purposes of diversity jurisdiction, a limited liability company has the citizenship of each of its members. See *Gamic Mut. Ins. Co. v. Citizens Bank*, 474 F.3d 989 (7th Cir. 2007). The sole member of Cleveland-Cliffs Burns Harbor is Cleveland-Cliffs Steel LLC (“Cleveland-Cliffs Steel”), a foreign limited liability company. (See Declaration of Adam Munson [“Munson Decl.”], attached as **Exhibit B**, ¶3). The sole member of Cleveland-Cliffs Steel is Cleveland-Cliffs Steel Holdings Inc. (*Id.*, ¶4). Cleveland-Cliffs Steel Holdings Inc. is incorporated under the laws of the State of Ohio and maintains its principal place of business in Ohio. (See Ex. B, ¶4).

11. Therefore, Cleveland-Cliffs Burns Harbor and Cleveland-Cliffs Steel are citizens of Ohio for purposes of establishing diversity jurisdiction, and there is complete diversity among the parties.

### **AMOUNT IN CONTROVERSY**

12. Plaintiffs allege they were injured while working on Cleveland-Cliffs Burns Harbor’s premises on September 9, 2020. Plaintiff, Rashon Richardson claims injuries to his legs, and Plaintiff Latarasha Foy-Richardson claims severe injuries to her back, neck, shoulders, head and legs. (Complaint, ¶8).

13. Given the nature and scope of the alleged injuries, it is reasonably certain that Plaintiffs are seeking damages in excess of \$75,000.00 exclusive of interest and costs. (Declaration of Eric Skwiat, attached as **Exhibit C**, ¶3).

**CONCLUSION**

14. Because both of the requirements for federal diversity jurisdiction under 28 U.S.C. §1332 are satisfied (*i.e.*, complete diversity of citizenship between the plaintiff and defendant, and the amount in controversy exceeds the statutory amount), this case is properly and timely removable by Defendants.

WHEREFORE, Defendants, Cleveland-Cliffs Burns Harbor LLC, formerly known as ArcelorMittal Burns Harbor LLC and Cleveland-Cliffs Steel LLC, formerly known as ArcelorMittal USA LLC, hereby file this Notice of Removal so that the entire State Court action, Cause Number 64D05-2208-CT-006515, now pending in the Porter County Indiana Superior Court, be removed to the United States District Court for the Northern District of Indiana for all further proceedings.

DATED: September 2, 2022

Respectfully submitted,

Cleveland-Cliffs Burns Harbor LLC f/k/a  
ArcelorMittal Burns Harbor LLC and Cleveland-  
Cliffs Steel LLC f/k/a ArcelorMittal USA LLC

By: /s/ Eric J. Skwiat  
One of their Attorneys

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**NOTICE OF FILING / CERTIFICATE OF SERVICE**

I hereby certify that on **September 2, 2022**, I electronically filed the foregoing with the Court using the CM/ECF filing system, and served the same via electronic mail to:

Benjamin D. Fryman, Esq.  
Schwerd, Fryman & Torrensa, LLP  
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Under penalties as provided by law, the undersigned certifies that the statements set forth herein are true and correct.

/s/ Eric J. Skwiat